



1871.

ANNO TRICESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 1.



AN ACT to amend "The Scab Act, 1870."
[21 December, 1871.]

WHEREAS it is expedient to amend "The Scab Act, 1870," in certain particulars: Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PREAMBLE.
33 Vict. No. 2.

1 In the construction of "The Scab Act, 1870," and any Act amending the same, the word "Infected" shall apply to all Sheep that are diseased, all Sheep in any flock in which there are one or more diseased Sheep, all Sheep that have been within Two months in any flock of Sheep such as last aforesaid, and all Sheep that within Two months have been dressed for "the Scab."

Meaning of word
"Infected."

2 Wherever the expressions or terms "Eighteen months after this Act takes effect," and "Eighteen months have elapsed after this Act takes effect," occur or are referred to in "The Scab Act, 1870," the same shall be deemed and taken to mean and are hereby extended to the First day of *May*, 1872, anything in the said Act to the contrary notwithstanding; and if, on or before the First day of *May*, 1872, it is made to appear to the satisfaction of the Governor by the Chief Inspector of Sheep that it is desirable to extend the same in one or more Sheep Districts or any portion thereof, with such limitations and restrictions as the Governor sees fit to impose, then it shall be lawful for the Governor in Council, by notice in the *Gazette*, to extend the said period or term to any further period not beyond the First day of *March*, 1873.

Extension of term
of 18 months
after commence-
ment of 33 Vict.
No. 2.

Every Licence issued to any person in the form in the Schedule C. to the said Act shall be and remain in force until the First day of *May*, 1872, and no longer, unless the said Chief Inspector sees fit so to do:

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Provided that the duration of any Licence shall not in any case be extended beyond the First day of *March*, 1873.

When Licence deemed to have been received by Licensee.

3 Every Licence issued under the said Act to any Sheepowner shall be deemed and taken to have been received by him if the same is duly posted to his usual or last known place of abode by the Chief Inspector or by his direction.

As to Sheep travelling to market.

4 Notwithstanding anything contained in the said Act to the contrary, until the First day of *May*, 1872, Sheep may be taken to market although the owner thereof may be in doubt whether such Sheep are diseased or not; but in every such case the owner of such Sheep shall, not less than Three days before the removal of the same, give notice in writing, to be served personally on the Inspector, or left at his residence, or posted to him, of his intention to remove the said Sheep, stating their description and brands, the place to which he intends to take them, and the road by which he proposes that such Sheep shall travel; and if the Inspector, after examination of such Sheep, finds they or some of them are diseased or have been dressed for Scab within Fourteen days prior to their removal, the owner thereof shall be subject to a penalty not exceeding Two Shillings for every head of such Sheep; and the said Sheep shall, if the Inspector thinks fit, be returned to the place or run from whence they came; and if the person in charge of the said Sheep, not being the owner thereof, refuses or neglects to take such Sheep back to the place or run from whence they came, such person, not being the owner thereof, shall be liable to a penalty not exceeding Ten Pounds; and the Inspector may cause the said Sheep to be driven back or detained at the cost of the owner, or he may cause the said Sheep to be destroyed or otherwise disposed of as he may deem most advisable, at the cost of the owner thereof.

Person impounding infected Sheep to be deemed owner.

Any person taking diseased or infected Sheep or causing them to be taken to a Public Pound, and any person removing diseased or infected Sheep the property of another from a public road to a Sale-yard or other place without a permit from an Inspector, shall be deemed and taken to be the owner of the said Sheep for the purposes of this Act and the said Act.

Sheepowner may return his Licence if Sheep clean.

5 Every Sheepowner who now or hereafter holds a Licence in the form in the Schedule C. to the said Act, may, if he thinks fit, return such Licence to the Chief Inspector with an intimation that the Sheep in respect of which such Licence was granted are clean, and thereupon such Sheep shall be examined by an Inspector, who shall, if satisfied that the said Sheep are free from disease or infection, grant a Certificate in respect of such Sheep in the form in the Schedule D. to the said Act; and whenever any such Licence is not returned to the Chief Inspector, and a Certificate granted in respect of the said Sheep as hereinbefore provided, such Sheep shall be dealt with as hereinafter provided.

Diseased or infected Sheep to be dipped.

6 Every owner of diseased or infected Sheep holding a Licence to cleanse the same shall dip the said Sheep at least twice immediately after shearing, at intervals of not less than Ten nor more than Fourteen days, in some reputed effective Scab-destroying preparation; and if the Inspector thinks fit he may direct the said Sheep to be dipped a third time, if in his opinion the two previous dippings have not been sufficient; and if in his opinion the third dipping does not prove sufficient, the Inspector may direct the said Sheep to be collected and dipped a fourth time or more if he deems it necessary, under the immediate supervision of himself or of some person appointed by him in that behalf, and every such dipping shall be at the expense of the owner of the said Sheep;

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and where in any case Sheep require to be dipped three or more times, the Chief Inspector may direct that such Sheep shall be dipped in a mixture of Sulphur and Tobacco-water, or Sulphur and Lime, or Carbolic Acid, or any other Scab-destroying preparation, in such proportions as he may think necessary, and the owner of such Sheep shall dip or cause such Sheep to be dipped in such one of such mixtures as he may select.

Every owner of such Sheep as aforesaid shall Seven days before dipping the same give notice in writing, to be served personally on the Inspector, or left at his residence, or posted to him, of his intention to dip the said Sheep; and the Inspector shall satisfy himself that the said Sheep have been duly dipped; and any owner of such Sheep who neglects or refuses to satisfy the Inspector that the said Sheep have been duly dipped shall forfeit and pay a penalty of not more than Fifty Pounds; and every owner of such Sheep shall provide and maintain upon his premises or run a Dip or other necessary means to the satisfaction of the Inspector, for cleansing the said Sheep; and any Sheepowner refusing or neglecting to provide and maintain such Dip or other means as aforesaid shall on conviction forfeit and pay a penalty of not more than Fifty Pounds.

7 The expression "immediately after shearing," used in the last Section in relation to dipping, shall mean that the said Sheep shall be first dipped directly from the shearing board; or in case such Sheep cannot be then conveniently dipped, then that the said Sheep shall be kept in a securely fenced paddock or paddocks, or if the Inspector approves, in a run which is open and free from timber and scrub, and shall not be turned out of such paddock or paddocks or run until they have been dipped the first time; and the word "shearing," used in the last Section in relation to the period of the year when Sheep are shorn, shall mean any time between the First day of *October* in any year and the Thirty-first day of *January* in any succeeding year; and any Sheepowner who refuses or neglects to shear his Sheep within the periods hereinbefore specified shall be liable to pay a penalty of not more than Twenty-five Pounds: Provided that this provision shall not apply to Sheep for which a clean Certificate has been issued and which remains uncanceled.

Definition of certain terms.

8 Every Sheepowner immediately after dipping his Sheep shall make a Return of the same to the Chief Inspector, or to the Inspector of the Sheep District in which the said Sheep have been dipped, in the form in the Schedule E. to the said Act; and any Sheepowner neglecting or refusing to make such Return shall be liable to a penalty of not more than Ten Pounds.

Return of Sheep dipped.

9 Notwithstanding anything contained in the said Act or this Act to the contrary, it shall not be lawful for an Inspector to direct any flock of Sheep to be collected for inspection or dipped immediately before or during the time the said Sheep are lambing; and if the owner of the said Sheep and the Inspector differ in opinion as to the time when the said Sheep shall be collected and dipped, then the Chief Inspector shall appoint a time when the said Sheep shall be collected and dipped; and any Sheepowner neglecting or refusing to collect and dip the said Sheep if infected at the time so appointed shall be liable to pay a penalty of not more than Fifty Pounds.

As to times of dipping.

10 If any Sheepowner, who has complied with the provisions of this Act relating to dipping Sheep to the satisfaction of the Inspector, finds diseased Sheep the property of another in his flock prior to the time when

Detention of diseased Sheep by Sheepowner whose Sheep have been dipped.

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an Inspector may lawfully grant a clean Certificate in respect of such Sheep, such owner may detain the said diseased Sheep, and if the Inspector certifies that, to the best of his belief, but for contact with the said diseased Sheep, the said Sheep that had been dipped to his satisfaction would have been entitled to a clean Certificate at the time prescribed in the said Act, the owner of the said diseased Sheep shall on conviction be liable to a penalty of not more than Ten Pounds, and in addition thereto the Justices shall order him to pay such sum of money, not exceeding Twenty-five Pounds, as they may consider a reasonable amount to cover the cost of again dipping the Sheep which had been previously dipped according to law and to the satisfaction of the Inspector, which sum of money shall be forthwith paid to the owner of the said Sheep.

Owner of diseased Sheep which are found upon land of another whose Sheep are clean, liable in damages.

11 If any diseased or infected Sheep are found upon the run of any Sheepowner whose Sheep are clean and who holds a clean Certificate under the said Act, the said Sheepowner may detain the said diseased or infected Sheep until they have been examined by an Inspector, and the said diseased or infected Sheep may be destroyed by the Inspector or by his direction, or may be otherwise dealt with as he may deem expedient; and if such diseased or infected Sheep infect the Sheep of the said Sheepowner, then the owner of such diseased or infected Sheep shall be liable to pay the whole of the cost (which shall be ascertained in manner hereinafter provided) of dipping and cleansing the Sheep which have become infected by coming in contact with the said diseased or infected Sheep; and any Two Justices of the Peace shall, in addition to any other penalty they may inflict upon the owner of the diseased or infected Sheep, order him to pay such sum of money not exceeding Twelve Pounds Ten Shillings as they may consider a reasonable amount to cover the cost of dipping and cleansing the said Sheep, which sum of money shall be forthwith paid to the Sheepowner whose Sheep have become infected as aforesaid; and in addition thereto such Justices may award such other compensation not exceeding Fifty Pounds as they may deem sufficient to cover the injury otherwise caused to the said Sheep by their having been infected as aforesaid; and if any person against whom any order or award mentioned in this Section has been made shall have paid the whole amount ordered or awarded to be paid, he shall be entitled to a certificate from the convicting Justices of such conviction and payment, and such certificate shall be a bar to all further or other proceedings civil or criminal for the same cause.

Issue of Licence to cleanse Sheep, to owner of Sheep infected by others.

Any Sheepowner whose Sheep have become infected as aforesaid shall be entitled to receive a Licence to cleanse the same, and shall not be liable to pay for the same as provided in the said Act.

Moneys payable under Sect. 17 of 33 Vict. No. 2.

12 The sums of money mentioned in and made payable by Section Seventeen of the said Act are hereby reduced from One Penny to One Farthing, from Three Halfpence to One Halfpenny, and from One Shilling to Three Pence, respectively.

Disinfection of places and articles in which diseased Sheep have been found or kept.

13 It shall be lawful for the Chief or any Inspector, by notice in writing under his hand, delivered to the person to whom it is addressed, to require the owner or person in charge of any Sheep to wash or otherwise disinfect any building, enclosure, yard, or vehicle in which any diseased or infected Sheep may have been found, or which may have been recently used or occupied by any such Sheep; and if any such owner or person, upon being so required, refuses or omits so to do, he shall on conviction forfeit and pay for every such offence a penalty of not more than Ten Pounds.

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14 If any Sheepowner holding a Licence to cleanse his Sheep occupies land on both sides of a public road, he may cross the said Sheep over the said road in such manner and with such precautions as the Inspector sees fit; and in every such case such Sheepowner shall give notice to the Inspector, either personally or through the Post Office, of his intention to cross the said Sheep over the said road, such notice to be given not less than Three days before the removal of the said Sheep if given personally to the Inspector, and not less than Seven days if posted to him.

As to crossing
Sheep over roads.

15 If any stray Sheep, either diseased or infected, are found upon any land, the occupier of such land, or his agent, may take possession of such Sheep and detain them on the land of such occupier until the Inspector has examined them; and if thereupon the Inspector finds them to be diseased or infected, he may cause such Sheep to be destroyed at the cost of the owner thereof; and if any Inspector finds any diseased Sheep upon any street, road, or public reserve, or unoccupied crown land, he may cause the same to be destroyed or otherwise dealt with at the cost of the owner thereof; and the owner of the said Sheep on conviction shall be liable to a penalty of not more than Twenty Pounds.

As to straying
diseased Sheep.

16 Every occupier of lands, or any person duly authorised on his behalf, may examine any travelling Sheep which are driven through, or over, or are found upon, any part of the lands occupied by him, or upon any road or roads running through or past such lands, and if such Sheep or any of them are, upon examination, considered to be diseased, then such first-mentioned owner, occupier, or person may detain and keep possession, upon the land of such occupier, as well of the Sheep so diseased as of the whole flock in which such sheep are found, until the Inspector examines such Sheep and decides whether or not the same are diseased; and the owner or person in charge of such Sheep shall forthwith give notice of such detention to the Inspector, who is hereby required to repair without delay to the place where such Sheep are detained, and to examine the same and ascertain whether or not such Sheep are diseased; and if upon such examination the said Sheep or any of them are found by the Inspector to be diseased, he may, if he thinks fit, cause the said Sheep to be returned to the place or run from whence they had been removed, at the cost of the owner of the said Sheep, or he may allow them to proceed to their place of destination, and the owner thereof shall be liable to pay a penalty not exceeding Twenty Pounds; and if the person in charge of such Sheep, not being the owner thereof, refuses or neglects to comply with the directions of the Inspector in respect to returning the said Sheep to the place or run from whence they came, such person shall be liable to a penalty not exceeding Ten Pounds; and the Inspector shall cause the said Sheep to be driven to some convenient place or paddock and there detained, and shall destroy the said diseased Sheep at the owner's cost; and if the remainder of the said Sheep are not removed by the owner thereof from the said place or paddock, to be taken back to the place from whence they came, or to the place of their destination, as the case may be, within Thirty hours from the time of their being placed therein, the Inspector shall destroy the said Sheep at the cost of the owner thereof: Provided that if upon examination by the Inspector the Sheep so detained are found not to be diseased, then the person detaining the same shall forfeit and pay such amount not exceeding Twenty Pounds, as the Chief Inspector may deem sufficient to reimburse the owner of the said Sheep for any

Travelling Sheep
may be examined.

May be stopped
for Inspection.

Inspector may
cause Sheep to be
returned to place
from whence they
came.

Penalty.

Proviso.

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expense he may have been put to in consequence of their having been detained for examination by the Inspector; and provided also that in case the person in charge of, or driving Sheep through, over, or upon any part of the lands lawfully occupied by any other person, or upon a road or roads running through or past such lands, refuses to permit such Sheep to be examined or detained in manner aforesaid, such person not being the owner of such Sheep shall forfeit and pay a penalty not exceeding Ten Pounds.

Penalty.

Disposal of Sheep
unable to travel.

17 If any person driving or in charge of Sheep travelling to market or sale-yards, or in charge of Sheep travelling from one part of the Colony to another, finds any of the said Sheep unable to travel, he shall either take the said Sheep on in a cart or other conveyance, or destroy and bury or burn it, or leave it in the care of some person who will take charge of the said Sheep so that it may not be left upon the land or run of any Sheepowner through whose land the said Sheep are being driven; and any person infringing this provision shall on conviction forfeit and pay a penalty of not more than Ten Pounds.

"Clean Sheep
Districts."

18 The Governor in Council may, by notice in the *Gazette*, declare any portion of the Colony a "Clean Sheep District," and no Sheep shall enter the same except under the authority of special permit from an Inspector; and the Governor may also in like manner from time to time alter the boundaries of any such Clean Sheep District; and any person who offends against this Section shall forfeit and pay a penalty of not more than Fifty Pounds; and if any infected Sheep are driven contrary to this Section they shall be seized by the Inspector and destroyed or otherwise dealt with as the Chief Inspector may direct.

Returns to be
verified.

19 All Returns required to be furnished by Sheepowners under this Act or the said Act shall be verified by Declaration made before any Justice of the Peace that the matters contained in such Return are true; and any person wilfully making such declaration falsely under this Act or the said Act shall be deemed guilty of a Misdemeanor: Provided that in any case in which it shall be made to appear to the Chief Inspector that such Declaration cannot be made without special inconvenience, he may, if he thinks fit, receive a Return without being verified by Declaration.

Repeal.

20 Sections Eleven, Twelve, Twenty-one, Twenty-two, Twenty-three, and Twenty-four of "The Scab Act, 1870," and so much of Section Two of the said Act as defines the meaning of the word "Infected," are and is hereby repealed, except as to any thing duly done, any liability accruing, and any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act takes effect, and the institution of any legal proceeding, or any other remedy for enforcing or recovering any such liability, penalty, forfeiture, or punishment as aforesaid.

Acts to be read
together.

21 Save as altered or amended by this Act, "The Scab Act, 1870," and "The Scab Act Amendment Act," and this Act shall be read and construed together as one Act.

Short title.

22 This Act may be cited as "The Scab Act Amendment Act, No. 2."